

**CARR & FERRELL LLP****ATTORNEYS AT LAW**22011 GENG ROAD • PALO ALTO, CALIFORNIA 94303  
TELEPHONE (650) 812-3400 • FACSIMILE (650) 812-3444**FACSIMILE COVER SHEET**

**TO:** OFFICE OF PETITIONS  
COMMISSIONER FOR PATENTS  
U.S. PATENT & TRADEMARK OFFICE  
**FAX NUMBER:** 571-273-0025

**FROM:** SUSAN YEE  
**FAX NUMBER:** 650-812-3444  
**PHONE NUMBER:** 650-812-3423

**DATE:** JUNE 30, 2005

**TOTAL PAGES:** 42 (INCLUDING COVER SHEET)

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JUL 01 2005

OFFICE OF PETITIONS

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**CERTIFICATE OF FACSIMILE**

I hereby certify that this correspondence is being sent via facsimile to the Office of Petitions, Commissioner for Patents, of the U.S. Patent and Trademark Office, fax number: 571-273-0025 on the date printed below:

Date: 6/30/05  
Susan Yee**MESSAGE:**

PLEASE SEE ATTACHED.

PTO/SB/84 (09-04)

Approved for use through 07/31/2006. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

PA2999US

First named inventor: Lloyd Watts

Application No.: 10/074,991

Art Unit: 2644

Filed: February 13, 2002

Examiner: Andrew R. Graham

Title: Filter Set for Frequency Analysis

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JUL 01 2005

**OFFICE OF PETITIONS**

Attention: Office of Petitions  
**Mail Stop Petition**  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450  
 FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
 Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1007499

06/08/00

00000002

07/05/2005 AKELLEY

1500.00 DA

03 FC-1453

**1. Petition fee**
☒ Small entity-fee \$ 750 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))
**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in  
 the form of RCE, IDS, and Rescission of Nonpublication Request (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_  
☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ 1300.00

- ☒ has been paid previously on July 3, 2003  
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/64 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) claiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

*Susan Yee*  
Signature

June 30, 2005

Date

Susan Yee  
Typed or printed name

41,388

Registration Number, if applicable

Carr & Ferrell LLP, 2200 Geng Road  
Address

650-812-3423

Telephone Number

Palo Alto, CA 94303  
Address

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

Petition to Withdraw from Issue; RCE, Rescission of Nonpublication Request; Small Entity Status;

☒ Other: IDS (x2); PTO/SB/08 (x2); PTO/SB/17 (x2); PTO/SB/17p (x2)

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-0025

June 30, 2005

Date

*Susan Yee*  
Signature

Susan Yee, Reg. No. 41,388

Typed or printed name of person signing certificate

**IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS: Lloyd Watts  
SERIAL NO.: 10/074,991  
FILING DATE: February 13, 2002  
TITLE: Filter Set for Frequency Analysis  
EXAMINER: Andrew R. Graham  
ART UNIT: 2644  
CONF. NO.: 6884  
ATTY.DKT.NO.: PA/999US

**FAX RECEIVED**

JUL 01 2005

**OFFICE OF PETITIONS****FAX RECEIVED**

JUL 01 2005

**OFFICE OF PETITIONS**

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**CERTIFICATE OF FACSIMILE**

I hereby certify that this correspondence is being sent via facsimile to the Office of Petitions, Commissioner for Patents, of the U.S. Patent and Trademark Office, fax number: 571-273-0025 on the date printed below:

Date: June 30, 2005

  
Susan Yee

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OFFICE OF PETITIONS  
COMMISSIONER FOR PATENTS  
FAX NUMBER: (571) 273-0025

**PETITION UNDER 37 CFR § 1.313(C)  
FOR WITHDRAWAL FROM ISSUE  
AFTER PAYMENT OF THE ISSUE FEE**

**1. Petition**

Applicant hereby petitions the Commissioner to withdraw from issue the above-identified patent application (hereinafter the "U.S. Application") after payment of the issue fee under 37 CFR § 1.313(c).

07/05/2005 AKELLEY 00000002 060600 10074991

01 FC:1464 130.00 DA

## **2. Statement of Facts**

On February 13, 2002, the U.S. Application was filed with the U.S. Patent and Trademark Office with a request for nonpublication under 35 U.S.C. 122(b)(2)(B)(i).

On February 11, 2003, Applicant filed a Patent Cooperation Treaty application claiming priority benefit of the U.S. Application. Under 35 U.S.C 122(b)(2)(B)(iii), Applicant was required to file with the U.S. Patent and Trademark Office a rescission of the nonpublication request for the U.S. Application within 45 days of filing the foreign application or the U.S. Application would go abandoned. The rescission was not filed, and, therefore, the U.S. Application is technically abandoned. Prosecution of the U.S. Application, however, continued to proceed.

On July 3, 2003, Applicant paid the issue fee for the U.S. Application.

On January 22, 2004, the U.S. Patent and Trademark Office issued a Notice of Abandonment for the U.S. Application. This Notice was issued for failure to reply the Examiner's Notice Regarding Drawings mailed October 3, 2003.

On February 9, 2004, Applicant filed a Petition to Withdraw Holding of Abandonment Under 37 CFR 1.181(a) and provided copies of the filed response to Examiner's Notice.

On May 4, 2005, the U.S. Patent and Trademark Office mailed a Notice of Rescinded Abandonment.

## **3. Points to be Reviewed**

The Commissioner is requested to review this petition to determine whether the U.S. Application may be withdrawn from issue after payment of the issue fee under 37 CFR § 1.313(c) such that the Applicant may file pursuant to 37 CFR § 1.313(c)(2) the accompanying Request for Continued Examination under 37 CFR § 1.114, Petition to Revive, Information Disclosure Statement, Rescission of Nonpublication Request, and a Notification of Small Entity Status.

## **4. Action Requested**

The Commissioner is requested to withdraw the U.S. Application from issue after the payment of the issue fee pursuant to 37 CFR § 1.313(c) such that Applicant may file pursuant to 37 CFR § 1.313(c)(2) the accompanying Request for Continued Examination under 37 CFR § 1.114, Petition to Revive, Information Disclosure Statement, Rescission of Nonpublication Request, and a Notification of Small Entity Status.

## 5. Fee

The Commissioner is authorized to charge to Deposit Account 06-0600 the fee of \$130.00 for the Petition under 37 CFR § 1.313(c) as required by 37 CFR § 1.17(h), the fee of \$395.00 for the accompanying Request for Continued Examination as required by 37 CFR § 1.17(e) and the fee of \$750.00 for the Petition to Revive Unintentionally Abandoned Application as required by 37 CFR § 1.17(m). The Commissioner is authorized to charge any deficiency in the payment of the required fees or credit any overpayments to Deposit Account 06-0600. A fee statement is submitted in duplicate for this purpose.

Respectfully submitted,  
Lloyd Watts.

Date: June 30, 2005

By: *Susan Yee*

Susan Yee, Reg. No. 41,388  
Carr & Ferrell LLP  
2200 Geng Road  
Palo Alto, CA 94303  
Phone: (650) 812-3400  
Fax: (650) 812-3444

PTO/SB/36 (09-04)

Approved for use through 07/31/2006, OMB 0651-0031

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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**RESCISSION OF PREVIOUS NONPUBLICATION REQUEST**

(35 U.S.C. 122(b)(2)(E)(ii))

AND, IF APPLICABLE,

**NOTICE OF FOREIGN FILING**

(35 U.S.C. 122(b)(2)(E)(iii))

Send completed form to:

Mail Stop PG Pub

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 305-8568

Application Number

10/074,991

Filing Date

February 13, 2002

First Named Inventor

Lloyd Watts

Title

Filter Set for Frequency Analysis

Atty Docket Number

PA2999US

Art Unit

2644

Examiner

Andrew R. Graham

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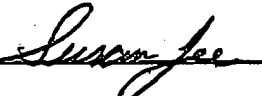
JUL 01 2005

OFFICE OF PETITIONS

A request that the above-identified application not be published under 35 U.S.C. 122(b) (nonpublication request) was included with the above-identified application on filing pursuant to 35 U.S.C. 122(b)(2)(B)(i). I hereby rescind the previous nonpublication request.

If a notice of foreign or international filing is or will be required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c), I hereby provide such notice.

If a notice of subsequent foreign or international filing required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c) was not filed within forty-five (45) days after the date of filing of the foreign or international application, the application is ABANDONED, and a petition to revive under 37 CFR 1.137(b) is required. See 37 CFR 1.137(f).



Signature

June 30, 2005

Date

Susan Yee

41,388

Typed or printed name

Registration Number, if applicable

650-812-3423

Telephone Number

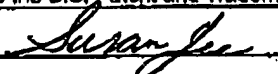
This request must be signed in compliance with 37 CFR 1.33(b).

If information or assistance is needed in completing this form, please contact the Pre-Grant Publication Division at (703)605-4283 or by e-mail at PGPub@USPTO.gov.

**CERTIFICATE OF MAILING OR TRANSMISSION**

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Signature



Name (Print/Type)

Susan Yee

Date

June 30, 2005

This collection of information is required by 37 CFR 1.213(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PG Pub, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (12-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2005

☒ Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ ) 1,255.00

### Complete If Known

Application Number 10/074,991  
Filing Date February 13, 2002  
First Named Inventor Lloyd Watts  
Examiner Name Andrew R. Graham  
Art Unit 2644  
Attorney Docket No. PA2999US

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### METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):

☒ Deposit Account Deposit Account Number 06-0600 Deposit Account Name: Carr & Ferrell LLP

For the above-identified deposit account the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below

☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17

☒ Credit any overpayments

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### FEE CALCULATION

#### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

#### 2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

**Total Claims**      **Extra Claims**      **Fee (\$)**      **Fee Paid (\$)**      **Multiple Dependent Claims**  
 - 20 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_  
 HP = highest number of total claims paid for, if greater than 20  
**Indep. Claims**      **Extra Claims**      **Fee (\$)**      **Fee Paid (\$)**  
 - 3 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_  
 HP = highest number of independent claims paid for, if greater than 3

#### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

**Total Sheets**      **Extra Sheets**      **Number of each additional 50 or fraction thereof**      **Fee (\$)**      **Fee Paid (\$)**  
 - 100 = \_\_\_\_\_ / 50 = \_\_\_\_\_ (round up to a whole number) x \_\_\_\_\_ = \_\_\_\_\_

#### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: Pet. to Withdraw from Issue (\$130); RCE Fee (\$375); Pet. to Revive (\$750)

Fees Paid (\$)

1255.00

#### SUBMITTED BY

Signature Susan Lee      Registration No. 41,388      Telephone 650-612-3423  
 Name (Print/Type) Susan Lee      Date June 30, 2005

This collection of information is required by 37 CFR 1.113. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17p (11-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FEE**  
**Under 37 CFR 1.17(f), (g) & (h)**  
**TRANSMITTAL**  
(Fees are subject to annual revision)Send completed form to: Commissioner for Patents  
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/074,991	<b>FAX RECEIVED</b>
Filing Date	February 13, 2002	
First Named Inventor	Lloyd Watts	
Art Unit	2844	
Examiner Name	Andrew R. Graham	JUL 01 2005
Attorney Docket Number	PA2999US	<b>OFFICE OF PETITIONS</b>

**Enclosed is a petition filed under 37 CFR 1.313(c) that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$130.00 is enclosed.**

This form should be included with the above mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(l), see form PTO/SB/17l.

**Payment of Fees** (small entity amount is NOT available for the petition fees)

- ☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 06-0800:
- ☒ petition fee under 37 CFR 1.17(f), (g) or (h) ☒ any deficiency of fees and credit of any overpayments
- Enclose a duplicative copy of this form for fee processing.
- ☐ Check in the amount of \$ \_\_\_\_\_ is enclosed.
- ☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

**Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462**

For petitions filed under:

- § 1.53(e) - to accord a filing date.
- § 1.57(a) - to accord a filing date.
- § 1.182 - for decision on a question not specifically provided for.
- § 1.183 - to suspend the rules.
- § 1.378(a) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

**Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463**

For petitions filed under:

- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.59 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.138(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 - for review of refusal to publish a statutory invention registration.
- § 1.286 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(e) - for patent owner requests for extension of time in *ex parte* reexamination proceedings.
- § 1.958 - for patent owner requests for extension of time in *inter partes* reexamination proceedings.
- § 5.12 - for expedited handling of a foreign filing license.
- § 5.15 - for changing the scope of a license.
- § 5.25 - for retroactive license.

**Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464**

For petitions filed under:

- § 1.19(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.81 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.138(c) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.


  
Signature

Susan Yee

Typed or printed name

June 30, 200

Date

41,388

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Lloyd Watts  
SERIAL NO.: 10/074,991  
FILING DATE: February 13, 2002  
TITLE: Filter Set for Frequency Analysis  
EXAMINER: Andrew R. Graham  
ART UNIT: 2644  
CONF. NO.: 6884  
ATTY.DKT.NO.: PA2999 US

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JUL 01 2005

OFFICE OF PETITIONS

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OFFICE OF PETITIONS  
COMMISSIONER FOR PATENTS  
FAX NUMBER: (571) 273-0025

## NOTIFICATION OF SMALL ENTITY STATUS

SIR:

In accordance with 37 C.F.R. 1.27, Applicant respectfully requests the Director take notice that the Assignee of record is a small entity.

Respectfully submitted,  
Lloyd Watts

Dated: June 30, 2005By: 

Susan Yee  
CARR & FERRELL LLP  
2200 Geng Road  
Palo Alto, CA 94303  
TEL: (650) 812-3400  
FAX: (650) 812-3444

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